

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE CROP PROTECTION  
PRODUCTS LOYALTY PROGRAM  
ANTITRUST LITIGATION

This document relates to: ALL  
ACTIONS

Case No: 1:23-md-3062-TDS-JEP

**THIRD PARTIES' NOTICE OF JOINING IN DEFENDANTS' REPLY  
BRIEF IN SUPPORT OF DEFENDANTS' CROSS-MOTION FOR  
ENTRY OF A PROTECTIVE ORDER**

Third parties Nutrien Ag Solutions, Inc., Simplot AB Retail, Inc., CHS Inc., Tenkoz Inc., Rosen's Inc., Van Diest Supply Company, GROWMARK, Inc., and Winfield Solutions, LLC (collectively, the "Third Parties") respectfully join in the Reply Brief in Further Support of Defendants' Cross-Motion for Entry of Protective Order (Dkt. 151) ("Defendants' Reply") filed by Defendants Syngenta Crop Protection AG, Syngenta Corporation, Syngenta Crop Protection, LLC (collectively, "Syngenta"), and Corteva, Inc. ("Corteva" and, together with Syngenta, "Defendants").<sup>1</sup>

The Third Parties join without waiving any of the rights and objections they have made or reserved in response to any subpoenas they have or will receive in this matter, in the FTC action entitled *Federal Trade Commission et al. v. Syngenta Crop Protection AG et al.*, No. 1:22-CV-00828 (M.D.N.C.), or in the Arkansas action entitled *Griffin v. Syngenta Crop Protection AG et al.*, No. 4:22-cv-01287-BSM (E.D. Ark.), and without otherwise admitting jurisdiction over them or waiving related or other rights, objections, or defenses.

The Third Parties adopt the points and reasoning expressed in Defendants' Reply but note their continued preference that the protective order entered in the FTC matter become the permanent protective order in this

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<sup>1</sup> Each of the Third Parties (other than CHS), through their counsel, has expressly authorized CHS's counsel, Faegre Drinker, to file this brief on their behalf without creating an attorney-client relationship and without compensation to Faegre.

matter. Defendants do not oppose this option. *See* Defendants' Reply, Dkt. 151 at n.3. Nor do Defendants oppose the interim protective order in this matter becoming permanent and extended to future productions of Confidential Materials (*id.*), the second-favored alternative of the Third Parties.

Date: August 20, 2024

/s/ Jonathan H. Todt

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**CERTIFICATE OF WORD COUNT**

I hereby certify that the foregoing document contains 270 words,  
excluding those portions exempted by Local Rule 7.3(d).

/s/ Jonathan H. Todt  
Jonathan H. Todt

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jonathan H. Todt  
Jonathan H. Todt